

**CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU
711 Kapiolani Blvd. Suite 1485
Honolulu, Hawaii 96813**



A G E N D A

**TUESDAY, DECEMBER 13, 2005
REGULAR MEETING**

**COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
4:00 P.M.**

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MEETING NOTICES ONLY
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1. Call to Order by Chair Donn Takaki

2. For Approval

- a. Minutes from November 14, 2005 (Copies of draft minutes attached)

3. Executive Administrator's Report

Report, discussion and action regarding, among other matters:

- Breakdown of proposals into groups for future meetings
- Overall process for proposal review and supermajority procedure
- Initial review and cut down process for proposals
- Dates, locations, and structure of public hearings, and structure of hearings, including whether these should include all proposals or a reduced list

4. For Discussion and Action – Initial Discussion and Vote on Proposal Items:

Subject to discussion, the Commission intends to proceed as follows: Testimony will first be taken on each item under category "A" ("Relating to Departments and Directors") below. Following testimony on all items under category "A", a vote will be taken on each item under category "A".

Then testimony will be taken on each item under category “B” (“Relating to Planning and Zoning”) below. Following testimony on all items under category “B”, a vote will be taken on each item under category “B”.

A majority affirmative vote on a proposal will move the proposal forward for further analysis and review; proposals that do not receive a majority affirmative vote will be dropped from consideration by the Commission.

All proposals are posted in PDF format on the Charter Commission website at <http://www.honolulu.gov/chc>. Hard copies are available for review at the Charter Commission office and the Municipal Library.

A. RELATING TO DEPARTMENTS AND DIRECTORS

1. [PROPOSAL 27](#) - Liquor Commission and Civil Service; Exempt Liquor Control Administrator and Deputy Administrator from civil service.
2. [PROPOSAL 33](#) - Department of Emergency Services; Revise the Powers, Duties and Functions of the Director and the Department.
3. [PROPOSAL 35](#) - Department of Information Technology; Revise the Powers, Duties and Functions of the Director.
4. [PROPOSAL 36](#) - Fire Chief; Revise the Powers, Duties and Functions of the Fire Chief and the Fire Department.
5. [PROPOSAL 45](#) - Board of Water Supply; Amend qualifications of Board Members.
6. [PROPOSAL 49](#) - Office of Council Services; To authorize the attorneys in the Office of Council Services to serve as legal advisers and legal representatives of the City Council along with the Department of Corporation Counsel.
7. [PROPOSAL 56](#) - Fire Chief; Establish a 5-year term of office for the Fire Chief.
8. [PROPOSAL 63](#) - Department of Transportation Services; Revise the Powers, Duties and Functions of the Director; promote a pedestrian and bicycle friendly city.
9. [PROPOSAL 70](#) - Board of Water Supply; Remove State Transportation Director from automatic membership.

10. [PROPOSAL 71](#) - Department of Environmental Services; Require the Director to develop and administer a curbside recycling program.
11. [PROPOSAL 95](#) - Information Technology; Amend various sections to clarify city website responsibilities, ensure updates to City websites, post public notices online.
12. [PROPOSAL 98](#) - City Buildings and Department of Design and Construction; Require City Council to adopt green building standards for city buildings, revise Department of Design and Construction duties to comply with green building standards.

B. RELATING TO PLANNING AND ZONING

1. [PROPOSAL 7](#) - Sustainable Community Plans and Development Plans.
2. [PROPOSAL 21 & PROPOSAL 47](#) - Urban Growth Boundaries; Establish urban growth boundaries and agricultural protection zones on Oahu.
3. [PROPOSAL 22](#) - Planning Commission; Restore the position of Executive Secretary.
4. [PROPOSAL 32](#) - Planning Commission; Establish deadlines for Mayor and City Council to act on certain Planning Commission recommendations.
5. [PROPOSAL 38](#) - Planning; Various proposals regarding planning and zoning.
6. [PROPOSAL 67](#) - Permit and Licenses; Ensure the protection of natural and cultural resources and public health in the event of automatic approval of permits/licenses.
7. [PROPOSAL 69](#) - Planning and Zoning; Require 2/3rds vote for Planning Commission and City Council before agricultural land can be converted to urban use.
8. [PROPOSAL 72](#) - Zoning; Shift the burden of demonstrating water availability to those seeking to rezone land for large projects.
9. [PROPOSAL 94](#) - Zoning; Require that developments of 100 units or greater install solar water heaters as a condition of rezoning.

10. [PROPOSAL 99](#) - Development Plans and Zoning; Require that when an acre of land is converted from agricultural or preservation designations, an acre of land will be converted to those designations, ensuring no net loss of agriculture or preservation lands.

Further Discussion and Action:

Following the discussion and vote on the proposals the Commission will hold further discussion on the handling and review of proposals and future meetings. The Commission will discuss and act on the calendar and upcoming events and deadlines, including:

- Requests for staff research and other testimony
- Initial review of proposals tentatively set for December 2005 and January 2006 meetings, possible multiple meeting dates in December and January, date of next meeting
- Possible committee assignments or breakdown of issues for review
- Dates and locations for public hearings – March 2006

5. Committee Reports

- a. Budget Committee, Chair James Myers, Members Andrew Chang, Darolyn Lendio
- b. Submission and Information Committee, Chair Jan Sullivan, Members Gordon Grau, Amy Hirano
- c. Personnel Committee, Chair Darolyn Lendio, Members Jeff Mikulina, Donn Takaki
- d. Rules Committee, Chair Jared Kawashima, Members Jeff Mikulina, Malcolm Tom.

6. Officers Reports

- a. Chair Donn Takaki
- b. Vice-Chair Jeff Mikulina
- c. Treasurer James Myers
- d. Secretary James Pacopac

7. Announcements

8. Next Meeting of the Charter Commission

To be discussed and determined.

9. Adjournment

Notice regarding public testimony:

Please note that under the Rules of the Commission, speakers are requested to submit two copies of their testimony. Written testimony may be mailed to us, faxed to 592-8633, or e-mailed to charter@honolulu.gov. The Commission requests that written testimony be submitted no later than 24 hours prior to the meeting. Testimony will be accepted on agenda items only, and will be taken at the time the item comes up for discussion by the Commission.

You are requested to register to speak if you wish to provide oral testimony. Generally, oral testimony will be limited to five minutes. However, a speaker's time may be limited to three minutes if, in the discretion of the chair, such limitation is necessary to accommodate all persons desiring to address the commission at the meeting.

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

MONDAY, NOVEMBER 14, 2005
COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
4:00 P.M.

MINUTES

Charter Commission Members Present:

Donn M. Takaki
Amy Hirano
Jerry Coffee
Jim Myers
Andrew I.T. Chang
Malcolm J. Tom
Stephen Meder
Jan N. Sullivan (Arrived at 4:15p.m.)

Charter Commission Members Absent:

E. Gordon Grau
Jared Kawashima
Jeffrey Mikulina
Darolyn Lendio
James Pacopac

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

I. Call to Order

Chair Donn Takaki called the meeting to order at 4:10 p.m., November 14, 2005.

II. Agenda Item 3. For Discussion and Action.

The Chair asked everyone to review the September and October minutes for approval. He also reminded the Commissioners the minutes will be voted upon individually.

Action:

Commissioner Chang moved to approve the minutes of the September 13, 2005 meeting. Commissioner Tom seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the minutes of September 13, 2005 were approved.

Action:

Commissioner Chang moved to approve the minutes of the October 11, 2005 meeting. Commissioner Myers seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the minutes of October 11, 2005 were approved.

III. Agenda Item 4. Committee Reports

- a. **Report of the Budget Committee** – Commissioner Myers reported that the Commission appears to be operating well within budget. Recent expenses have been normal expenses such as office supplies, etc., and well under budget.
- b. **Report of the Submission and Information Committee** – No Report.

Chair Takaki solicited Public Testimony.

Mr. Clifton Takamura testified regarding concerns about the submissions initial process. He feels that the participation of the Community should be continued even into the workshop so that the public would be able to exchange more ideas and more concepts with the Commissioners on how the Charter concerns the public, their feelings and how it could affect the future, not only of the Charter but the Community of which the changes will occur, because of the changes within the Charter.

Chair Takaki asked if there was any discussion and there was none.

- c. **Report of the Personnel Committee** – No Report.
- d. **Report of the Rules Committee** –

- **Mission statement or guidelines for considering proposed amendments – adoption of Mission Statement as presented and revised at previous Commission meeting.**

Chair Takaki solicited public testimony. Mr. William Woods testified suggesting to include phrase “with justice and equality” in the fourth line after the word government. Chair Takaki asked if there were any questions for Mr. Woods and there were none.

Action:

Commissioner Myers moved to adopt the City Charter Mission Statement. Commissioner Chang seconded that motion. Chair Takaki asked if there were any further discussion.

Commissioner Myers moved to amend with the addition of the phrase proposed by Mr. Woods, “with justice and equality” after the word government in the fourth line.

Commissioner Coffee asked Mr. Woods for clarification on what motivates him to have the Charter Commission include the phrase he proposed. Mr. Woods addressed Commissioner Coffee’s question and stated he feels when constructing the Charter, which is dictating the future policy and government operation, he would hope that justice and equality would be a standard in which the Charter Commission would make their determination. The U.S. Constitution and the State Constitution does it and feels it would be nice if the City and County of Honolulu had a similar basis in which to move forward. Chair Takaki asked for any further discussion and there was none. Commissioner Coffee seconded the move to amend with the addition of the phrase proposed by Mr. Woods.

There was no further discussion. All Commissioners present voted in favor of the Charter Mission Statement amended language as follows:

Line 3 sentence should read:

“Provide an open, accessible and participatory government with justice and equality”

Action:

Chair Takaki asked if there were any further discussion on the motion to approve the Charter Commission Mission Statement. There was no further discussion. All Commissioners present voted in favor of approving the Charter Commission Mission Statement as follows:

CITY CHARTER MISSION STATEMENT

The City Charter should enhance the quality of life for the residents of the City and County of Honolulu: Provide an open, accessible and participatory government with

justice and equality; organize government in an efficient and effective manner; enhance the quality of public services; involve residents in the decision-making process; and promote the sustainable use of the City and County of Honolulu's limited resources for future generations.

- **Policy and/or procedure regarding Commissioner-sponsored charter proposals – adoption of specific language following adoption of conceptual rule at previous Commission meeting.**

Executive Administrator Chuck Narikiyo briefed the Commissioners about the new proposed language for their consideration of adoption. The Charter Commission staff with the consultation of Corporation Counsel staff drafted the proposed language. It's slightly different than the previous mission statement passed out at the previous Commission meeting.

Action:

Commissioner Myers moved to amend its Rules by adding Rule 3b. Commissioner Sullivan seconded that motion.

Chair Takaki asked if there was any discussion, and there was none. All commissioners present voted in favor of the motion and the motion was passed. Rule 3b is as follows:

RULE 3b. PROPOSED AMENDMENTS TO THE CHARTER; PROPOSALS SUBMITTED BY COMMISSIONERS

Charter amendment proposals submitted by Commissioners shall include the name of the Commissioner submitting the proposal. Commissioners who have submitted charter amendment proposals prior to the adoption of this Rule 3b without the inclusion of their name, shall disclose their identity as the submitter of the proposal at or before the first Commission meeting when their proposal is on the meeting agenda of the Commission.

IV. Agenda Item 5. Executive Administrator's Report

Executive Administrator Chuck Narikiyo reported on the status of proposed submissions. At the Charter Commission's last meeting, he reported they received 5 formal submissions. At the end of the open submission period that expired on October 31, 2005 there were 99 formal submissions. Commission staff, for identification purposes only, assigned numbers to each proposal roughly as they came in. Staff organized proposals into 2 black binders with a Table of Contents listing them by proposal numbers. For convenience purposes, staff added a brief description of the issue or idea involved and the Articles or Section of the Charter likely to be affected. Those were not complete and he urged Commissioners to look at the actual proposal rather than relying on the brief

summaries. Executive Administrator noted that there are a number of proposals that are similar or identical to one another and that staff tried to denote those in the index as well.

Executive Administrator went on to explain the process staff went through in processing the proposals. Staff instituted a “no bounce” policy on submissions. In keeping with this Commission’s stated desire for openness and accessibility, proposals were accepted as long as the submission contained the basic information set out in the form. Executive Administrator pointed out that many of the proposals did not strictly follow the form. However, if the proposals substantially contained the information requested in the form, they were considered to be a formal submission. There were some gray areas on issues that became apparent as they received and processed the proposals and staff did the best they could to make a judgment call on those proposals. In addition, staff distributed and posted what they called “Conceptual Submissions”. Those were proposals more in the nature of general ideas that were submitted because they felt that the Commission should be aware of all of the ideas submitted. If any of those ideas are of particular interest, the Commission can pursue them through the super-majority procedure that the Commission earlier adopted.

Executive Administrator also reported that in keeping with the policy of keeping this process as open as possible, staff wrote letters to all of those who submitted “Conceptual Proposals,” reminding them of the Commission’s official form in the event they actually intended to make a formal proposal but for some reason were not made aware of the form. Executive Administrator noted that there maybe a few more submissions that come in through the super majority process. Staff had to strike a balance between keeping things as open as possible and enforcing the Charter Commission rules and deadlines and also allowing the greatest amount of participation in the process.

Contact information had not been provided to the Commissioners as the proposals have been redacted removing identification information to the extent practicable. However, Executive Administrator noted that in some cases, especially submissions that have a lot of back up information that was provided, removing all such information might have rendered either the proposals or the supporting material virtually unintelligible. Executive Administrator was comfortable that the Commission’s desire to be insulated from knowing who submitted any particular proposal was carried out. The exception would be those proposals that were submitted by Commissioners whose identities were disclosed with the name of the Commissioner that submitted the proposal. In addition, there were also some submitters that actually indicated that they wanted their identities known to the Commission. Staff informed those submitters that the Commission’s policy is to receive the proposals with the contact information redacted but they’re welcome to testify in support of any proposal when it comes up for discussion during one of our meetings.

Executive Administrator announced that all of the proposals have been posted on the Charter Commission’s website and they are available for review and that they also have a hard copy set available for public review.

Chair Takaki asked the Commissioners present if there was any discussion or questions for the Executive Administrator regarding the status of proposed submissions and how they are handling the conceptual submissions versus the submissions submitted in the proper format. Commissioner Myers stated that he thought the staff did an excellent job.

Chair Takaki thanked the staff on behalf of the Commission for their hard work in putting everything together.

Executive Administrator then initiated a discussion about upcoming meetings and calendar issues. He noted that the Commission is calendared to work on an initial list in December. Due to the large number of proposals submitted, it does not seem feasible to go through all submissions in a single meeting. He presented a couple of options for discussion. First option, divide the consideration of the proposals into 4 separate meetings, 2 in December and 2 in January. Second option, create issue committees that would either be delegated the task of paring down the proposals within that issue set or to report back at a later meeting on their recommendations. He further noted that if the Commission wished to go with the multiple meetings route, staff had taken the liberty of reserving some meeting room dates. They reserved the Council Committee Room for December 13, 19 or 20 and January 10 and 24.

Chair Takaki reminded the Commission that the submissions will go through, for lack of a better term 3 meetings prior to going on the 2006 General Elections ballot for the public to vote. This would be considered the first reading or the first cut. The second reading or second cut would be the public workshops when the Commission would go out to the different districts for public testimony and the third and final reading would be, after it's referred to Corporation Counsel for legal review. The Chair had a question for some of the Commissioners who may have had previous experience; whether they would use 5 or 10 or more minutes as a good estimate of time it may take to review each proposal?

Commissioner Tom stated that he was not on the Commission back in 1998. However, he noted that he skimmed through the current proposals and thinks it would vary significantly, depending upon the depth and the breadth of these proposals. He stated some of them are straightforward and some of them are very wide ranging. He feels that 10 minutes may not be enough time for some of the proposals.

Commissioner Sullivan noted that she did not have any prior experience with Charter Commissions. But her personal feeling was that in order to be able to give adequate consideration to all of the 99 proposals, she doesn't know if the Commission would be able to do that as a group, even in a series of meetings. She suggested grouping the proposals by Charter Sections, possibly establishing committees corresponding to one or more sections to allow the Commission to have multiple meetings that actually could go more in-depth. She thought that it might be unwieldy for the entire Commission to consider 99 proposals in a series of meetings as a first cut, and also noted that some proposals are duplicate and overlapping. She felt that it would be helpful to start to group

them and look at them in its entirety when they do the whole section or that section of the Charter.

Commissioner Tom agreed with Commissioner Sullivan to group the proposals by sections or articles and have some of the Commissioners meet as a group for those that they're interested in and to basically go through the first filter and report back to the group.

Commissioner Myers also thought it was a good idea, but wanted to know what the Sunshine Law implications were.

Chair Takaki was able to comment. He first discussed what would happen if the Commission were to divide up the proposals into 4 groups, 25 proposals per group and assigned 3 members per group as a committee. In that case there would be 2 options; either the committees would come back to the full Commission and give their recommendations on which proposals to pass through. In that case the full Commission would have to vote on the recommendations at the following meeting. Or the Commission could delegate the authority to each of the sub-committees or issues committees to make the decisions themselves and report back to the Commission on the outcome of their meetings. In other words, if the Commission delegates the authority or assigns 4 different Committees with 25 issues to review, there is a chance that each Commissioner won't see 3 out of every 4 proposed submissions.

Commissioner Coffee asked if it would be feasible to again divide the roughly a quarter of the total submissions into those sections of the Charter and then as a Commission prepare to discuss each of those in a series of 4 meetings. Chair Takaki replied affirmatively. Commissioner Coffee noted that after the first 2 meetings in December, the Commission would probably have a pretty good idea as to how much time its going to take so they can schedule more meetings as necessary as they go into the new year.

Commissioner Chang asked if Corporation Counsel could comment on whether or not the Committee can delegate the authority for decision making to a Committee without it coming back to the full Commission for final adoption.

Deputy Corporation Counsel Diane Kawauchi replied that it would be a policy question for the Commission; the delegation of authority could be done.

Chair Takaki asked if there was any further discussion.

Commissioner Chang stated that from his perspective, it would be a lot more efficient if the Commission delegated that authority to the sub-committees. However, he suggested that there should be a provision that Commissioners should be entitled to raise questions and discussion for the whole Commission on any one of the issues that was forthcoming to the Commission in a form of adoption. He liked the committee suggestion because it

is efficient. But on the other hand he felt there could be on occasion an idea that might warrant further discussion by the entire Commission.

Commissioner Tom noted that he thought that the objective is to cut down the number of submissions to a manageable amount so that the Commission can have the in-depth review that the Commission wants. He is in favor of efficiency, but was concerned that if there are three members per committee and only two members show up at the committee meeting, then you have two members that are dictating to 13 members the life of a proposal that apparently someone spent a lot of time submitting and was not sure if that was appropriate. He liked the proposal, but thought it should come back to the Committee for discussion. He had two questions for Corporation Counsel. If we have three-member Committees, would it be possible that other members of the Commission attend that meeting if that person was interested so that you're not limited to just three or if it could be open to other Commissioners.

Deputy Corporation Counsel Kawauchi said yes, other Commissioners could attend. Executive Administrator Narikiyo noted that this is how the City Council does it. However, both the Executive Administrator and Deputy Corporation Counsel Kawauchi noted that non-committee members couldn't vote on those proposals.

Commissioner Tom also asked Corporation Counsel if they had gone through the proposals and looked at it from a perspective of whether some proposals would be more suited as Ordinances versus Charter type changes?

Deputy Corporation Counsel Kawauchi replied that unfortunately they have not yet had the opportunity to go through them and think it might be appropriate for them to start the review even before the second hearing, so that they can alert the Commission to legal problems that they have as the Commission begins to review.

Commissioner Sullivan asked a procedural question about assignment of committees, whether the committees could be formed today, or do they have to wait until December. The Executive Administrator responded that he believed that committees could be formed today, in general categories, and specific assignments made later. Deputy Corporation Counsel Kawauchi agreed, as long as the Commission well described what that delineation is.

Chair Takaki stated that he understood the desire to divide up the work, but was concerned that any Commissioner had a chance that wanted to listen in and participate in the proposed amendments. He feels this was the biggest reason why the Commission would propose a series of meetings for all Commissioners who could attend to be there, in consideration again of the public who took the time to submit their proposed amendments and to put it in the format required by the Commission.

Commissioner Sullivan asked whether public testimony is allowed at the first reading as City Council rules. Her understanding was that first reading was generally a more cursory review. Deputy Corporation Counsel Kawauchi replied affirmatively.

Commissioner Sullivan's understanding was that the City Council's first reading did not involve any substantive action being taken other than to eliminate items that are defective off the bat. So when they get to second reading, by that point and time, if its Committee or whatever it is, they've had the time to do the homework and analysis so that they can get into a more in-depth discussion on the proposals. So she asked whether the Commission should be looking at this first initial set of meetings as being, not necessarily getting into this real in-depth testimony and analysis of the proposals. Her sense was that staff hasn't had the time to do that yet. So should the Commission be trying to target a first reading with the idea that there's going to be some subsequent periods that are going to go more in-depth. One alternative would be to take 5, 10 minutes, or 15 minutes per each of the 99 items. The other would be a broad first reading, take whatever public testimony there is, and get into the analysis at the next meeting.

Deputy Corporation Counsel Kawauchi noted that on occasion, City Council on the first reading will actually vote not to pass the bill and it will die on first reading. But by and large it's pro forma and the substantive discussion will occur within the Committee between first and second reading and then again in between second and third reading.

Chair Takaki noted that if the Commission were to follow that model, it could end up with maybe 8 out of every 10 proposals that pass through to second, and have 80 that we have a more substantive discussion on.

Commissioner Coffee added his concern that the three-person committee approach might be more efficient initially, but it might neutralize the procedural requirements necessary, and extend the process even further. He believed the Commission could make more progress faster with four full Commission meetings with the topics and submissions divided up as the Executive Director suggested. The Commission could go through December or early January and it would also give a chance to figure out roughly how much time it's going to take and the Commission could schedule subsequent meetings. He added that he also thought it was important that every submission gets a fair hearing by every Commissioner or at least gets a contact by every Commissioner.

Chair Takaki added that the Commissioners will have to decide how many will pass through first reading. It's going to depend on the merits obviously on each submission. But because the Commission intends to discuss each submission 2 – 3 times before being placed on the ballot, he did not anticipate on doing all of the pros and cons of a proposal at the first reading.

Commissioner Sullivan noted that when the Commission set up the calendar it was a while ago and was not sure if it was realistic. The calendar calls for an initial review and basically start to pare down by December. Maybe that was pushing the calendar too

much to think that within a month from now the Commission would be ready to vote on substantive proposals. She suggested to maybe consider a cursory first review, because it would give the staff more time to actually get into analyzing the proposals.

Executive Administrator Narikiyo responded that it would be up to the Commission. From a staff perspective he felt that there was enough time to get the proposals ready for review. Under the Rules and Calendar, what's required is that each proposal go through 2 readings before it gets on the ballot. And the third reading that the Chair referred to was essentially a legal and language review and the Committee on Style that was created. As currently constituted, the Rules and Calendar call for an initial review in December. Looking at the fact that there are close to 100 proposals and there maybe super majority proposals coming in, he just wanted make sure that the Commissioners had enough time to do what they need to do. He envisioned that if there are any proposals that the Commission feels they don't have enough information to make a decision if they will pass first reading and continue the information gathering process.

Commissioner Tom added that going along with what Commissioner Sullivan said, he wondered whether the Commission should give staff and Corporation Counsel time to research and evaluate the proposals before the Commission even did its first review. He felt it seemed difficult to think that 13 Commissioners could each get themselves up to speed on all 99 proposals to make an informed decision. He was wondering if the Commission should ask Corporation Counsel and the staff to take some time to go through all the proposals and determine which ones are legally correct, which one should be Charter type movements, which ones are duplicative of others so they can combine them. And to do some preliminary analysis as to what the pro and con implications are to help educate the Commission, not to make a decision on their behalf but to educate them as to the essence of the proposals.

Commissioner Myers noted that some of the proposals were overlapping, some are almost identical to each other, and some are total opposites of each other. He thought that the Commission could get it down to a manageable grouping. He added that it would probably be staff that would do some research and gives advice as to appropriate groupings.

Chair Takaki asked Corporation Counsel, if the Commission conducted a series of meetings beginning on December 13, if that would give Corporation Counsel as well as Commission staff enough time to look at the first half of the proposals for possible grouping and legality concerns? Commissioners Tom and Myers also asked about the grouping of proposals by topics.

Executive Administrator Narikiyo restated the question to make it clear: Whether or not staff would have enough time before December 13 to make an initial recommendation and some legality of the first half of the proposals, or to make some tentative groupings by issues? The Executive Administrator stated that staff could come up with some attempts at making issue related groupings by the next meeting, and that within a couple

of weeks staff could get them to the Commission to digest. He however did not know if that would be a separate question from Corporation Counsel review as to constitutionality, legality, etc., which he thought might take a little longer.

Commissioner Myers doubted that detailed legal reviews were necessary, but believed there was preliminary study that needed to be done. He felt that it would not make sense putting proposals into proper language if it's not going to move forward. Commissioner Tom suggested that if Corporation Counsel could review concurrently, they might be able to weed out some proposals. Commissioner Myers agreed.

Commissioner Stephen Meder asked Corporation Counsel if a review would be possible in a month. Deputy Corporation Counsel Kawauchi responded that they would attempt to review half of the proposals within a month time. Commissioner Myers suggested at least one-quarter of the proposals to begin making progress.

Commissioner Meder agreed with Commissioner Tom that it would be helpful to have a review from Corporation Counsel to identify what makes the cut on a legal basis before the Commission dedicates time and consideration to it.

Commissioner Chang asked Corporation Counsel if their review would also include differentiating the proposals between those that are specific to Charter issues versus those that can be an act of simple submitted by Ordinances.

Deputy Corporation Counsel Kawauchi said they could. She asked that the Commission be explicit on what it is that they want Corporation Counsel to do in its analysis and report back to the Commission. Chair Takaki asked if this would require a motion; Deputy Corporation Counsel Kawauchi replied it does not.

Commissioner Sullivan agreed that it is important the Commission be clear on what they expect Corporation Counsel to help with. While illegality may be clear, Sullivan believed there are a lot of material in the Charter that could be ordinance instead. She said it may be inappropriate to ask Corporation Counsel to make that decision; it is actually a policy decision whether it should go in the Charter. She believed the Commission could not pass that duty onto Corporation Counsel.

Commissioner Sullivan asked to clarify that the Commission wants a recommendation from the Executive Director and a vote from the Commission in December to eliminate proposals. Commissioner Tom replied that the Commission would eliminate some.

Chair Takaki clarified that this process would continue through both December and January, instead of just following the calendar and doing all of it in December. Commissioner Sullivan clarified it would be a segmented report; Chair Takaki agreed.

Commissioner Tom asked if the Commission should be working backwards from the point when the Commission goes to the community for the Public Hearings, as this is

when the Commission needs to have the pre-final list. Chair Takaki confirmed; the public hearings are scheduled for March 2006.

Commissioner Tom noted that this would leave approximately four months for initial review.

Chair Takaki stated that it was more like three months, December and January with February if more time was needed. That's where the idea of 2 meetings in December, 2 meetings in January came up, which would still leave one month of extra time before the March public hearings.

Commissioner Sullivan stated that she viewed the initial vote process as a real rough cut. For the most part, she assumed that most proposals will remain, because there will be subsequent hearings.

Chair Takaki noted that even at five minutes per proposal would still be a couple of hours to do 25 of them.

Commissioner Tom stated that perhaps the Commission should settle on having a long meeting, perhaps four hours. He cited as an example the City Council, when considering the budget, meets until 12 o'clock at night. He noted that it is awfully difficult and hard, but that is the only way you actually learn about it.

The Executive Administrator noted that staff had reserved the City Council Committee Meeting room from 4-10 on those dates, in case it's needed

Chair Takaki asked if there was any further testimony.

Mr. William Woods testified further. He thanked the Commission for the opportunity to testify. He noted that he appreciated the discussion, and that the Commission had gone on many different directions in trying to understand the scope of the problem and how to address it. Regarding the discussion on committees, he noted that there was a way to stop the multiple meeting process. He believed that if the Committees review their portions, if divided up that way and put their recommendations into writing and they were published with the agenda, that these are the recommendations for review for action, the Commission can take action then, and would not have to do an additional meeting. He did not support subdividing, because he thought Mr. Coffee's suggestion was very clear. The public is entrusted the Commission with the review of all these items. He did have a real problem with one thing. He thought that to ask the Corporation Counsel to do any review prior to the first review on what the Commission thinks is inappropriate. Specifically, the most important reason was that he thought it was a conflict of interest. He stated many of the proposals go to the direct authority responsibility of the Corporation Counsel. And they would have vested interest in making sure that some of the proposals don't come up or go in the way they want. He thought that at the hearing stage, where all the public and the people in the Community have a stakeholder or vested interest in this have a reason to speak, like all department heads are going to have

concerns, will come and address it at that time in front of you as well as the Corporation Counsel which is one of those entities, would be appropriate at that time. And then everything else will just be legal language once you pass something out. They may be the Charter Commission's legal counsel, but they also have a great vested interest in many of the proposals, which are going to give them more authority, decrease their authority, changes to the Ethic Commission. Finally, he felt the Commission needs to be clear and they should be the authority in the end and hoped that the Commission would take that as an honor and respect in your position.

Commissioner Meder had a question for Mr. Woods. Would he have a problem if the issues other than what concerns the Corporation Counsel were then presented, were given to the Corporation Counsel to review?

Mr. Woods replied that he thought it was real difficult. He thought that, why would any entity other than the Commission and staff have a reviewing process, a screening process even if it's to come with a recommendation, apart from anyone else in the community? The concern raised by Ms. Sullivan regarding the Charter which he feels is one of the most mish mushy document he had ever seen. The State Constitution is broken up into issues and you know what it is, and it's all practically in one area for each of those items. On the other hand the Charter has things thrown in, and on this date they add something into one article. One article may have 5 or 6 or 10 different issues unrelated to each other. Many have what he would call Ordinances in them. If they started off with using Ordinance type of language in certain areas, and you want to be unified across the board, you may have to use that language to be consistent in the new draft. And he was concerned that if the Commission is going to help make this the best coming out of it, that the Commission use its directions and not someone else's direction at this point. The Commission sets the standard and he hoped that if the Commission feels a particular proposal is simply not worthwhile, and cuts it off from further hearing, that would be one thing. But he hoped that the Commission gives the ones, particularly conflicting proposals, but have merit, go to further hearing stage so the conflicting ideas get filtered out by the public and have more input in the interest of the community. He feels it's really difficult unless the Commission gets to the hearing stage, because if the Commission has two or three screeners before they've even get to that stage, the public is harmed. He would rather go to the extra degree and see more meetings and people listening to everything and allow the public to hear and have comments before it's screened out because of some perception of a problem. He has seen many things that were considered unconstitutional and constitutional that Corporation Counsel, the Attorney General's office and others that said it was wrong, which was absolutely not wrong.

Chair Takaki asked if there was any more testimony.

Clifton Takamura stated that he agreed with the previous speaker as to how this process should be worked out. He also agreed that every proposal should be looked upon even to filter what would be like an Ordinance or what would be like Charter language to be

more specific. If it involves proposals to the Charter, he felt that for respect of the submitters, it should be heard in by the public and felt citizens' participation in government was universal. He hoped that this would be considered when the Commission worked out the format to these proposals.

Chair Takaki recommended that the Commission go ahead with its regularly scheduled December 13th meeting at 4:00 p.m., however as Commissioner Tom stated, they would all plan on that longer meeting, hopefully not till 10:00 p.m. And at that time they will have the first reading of the group of proposals and at the conclusion of the meeting make a decision as to if that is how they wished to proceed with the remainder of the items on the agenda that are proposed, or to follow a different process to finish up the items. He recommended that the Commission do 25 of the items. He asked Corporation Counsel if a motion was necessary to set the agenda, and Corporation Counsel said that it was not necessary.

Commissioner Coffee asked whether those roughly 25 items would be disseminated beforehand so they would have the opportunity to be familiar with those before the meeting? Chair Takaki replied affirmatively. Definitely by the time the agenda is posted, the Commission will say what those 25 items are and ask both Corporation Counsel to just take a preliminary look at them, but also ask staff to review and see if there are conflicts within that initial group of 25.

Commissioner Myers stated that he hoped they would get the list long before posting of agenda so the Commissioners can start reading them over.

Chair Takaki noted that it should be at the minimum of a week before if not more than that. As far in advance as possible so that they will know what they are going to be working on.

Commissioner Chang noted his concern, especially with the speakers here, about the matter of being able to submit Ordinance type legislation for Charter Commission review and adoption. Because he does regard the Charter as the Constitutional framework of the City, and if there are attempts, good intentions as they may be, to submit something through the Charter which really should be an Ordinance on a legislative manner than he would like to have some guidance from a legal perspective. He realized that it is not absolute and it's nothing that is just so perfectly defined, but just some very broad general guidance. And so it's just a general concern, nothing specific. He did not have any particular item in mind but just a matter of getting some guidance.

Commissioner Sullivan asked for clarification on the Chair's recommendation. Was he asking that we revise our schedule currently to have 4 separate meetings, in December and January with 25 submissions per meeting?

Chair Takaki replied that he was asking that the Commission simply proceed with its regularly scheduled December meeting and at that time decide whether how many more

additional meetings they may wish to hold or if they wish to appropriately delegate the authority, remaining issues to sub-committees or if they wish to continue forward in the same matter as a full Commission on the first reading.

Commissioner Myers asked for the potential meeting dates now, so that they could keep their calendars clear.

Chair Takaki noted that December 13 and 20, and January 10 and 24 are the tentative dates.

Chair Myers noted that they would need a quick posting for an agenda if a meeting was held on December 20.

Chair Takaki agreed and stated that the Commission may decide at the next meeting that the 20th is not feasible and just push it to January. With the calendar, the Commission can still work backwards and have February before they need to finish everything prior to March public hearings.

Commissioner Sullivan asked if the Chair would be opposed to a motion that would follow his recommendation but would not limit the Executive Director to 25 items, per se? So it would give staff the discretion to see what's reasonable to see if they can do more or less? Chair Takaki noted that a motion would not be necessary.

The Executive Administrator said that staff would take a look on how it breaks down. They can put more than 25 on the agenda. Stated that if they put 50 and it gets to be 8:00 p.m. and the Commission decides to end the meeting and pick up later, the people that were there to testify on those that are cut off may be a little disappointed.

Deputy Corporation Counsel Kawauchi added that if the agenda item is listed, they need to take public testimony on all items listed. So that would be a concern if the Commission listed 50 and really didn't intend to hear all the items listed.

The Executive Administrator had further report. He restated that the Commission would be setting the December 13 meeting and before then, within a week, staff will get a tentative breakdown of the issues and a proposed listing of those proposals that will be on the agenda in December.

The next issue was the super majority procedure. In going through the proposals and processing them, it occurred to the Executive Administrator that the Commission did not have a real clear idea on the procedure of the super majority. He reiterated that this mechanism was adopted so that the Commission would not be precluded from considering good ideas, but because of the deadline and schedule, the Commission required a super majority of nine or more Commissioners on any such proposals to be considered. If the Commission receives some proposals after October 31, his thought was that staff could disseminate them to the Commissioners and notify them that if any of them wish to act on any of them, to put them on the agenda for super majority

consideration. But if Commissioners don't ask staff, it'll simply not be put on the agenda. And once it's on the agenda, the Commission can vote and then if nine or more Commissioners agree it will then go through the regular process. If the Commission is looking at public outreach meetings in March, according to the rules on super majority the drop-dead deadline is 30 days before the first scheduled public meeting.

Commissioner Coffee noted that because the Commission will have more and more meetings and more frequently, they may have less than super majority frequently. So that it might not be a feasible requirement.

Chair Takaki added that the difficult part is that the Commission wanted to give the ability for fantastic ideas to come forward, but also didn't want all these ideas to come forward too late. So that's why actually the hurdle is so high because the Commission thought if it's really that good of an idea, a Commissioner will get nine fellow Commissioners to agree that the Commission would wish to pursue it.

The Executive Administrator stated that procedurally, that is how staff would handle supermajority proposals. Staff will disseminate with the understanding that if any Commissioner wishes it to be placed on the agenda and put to a super majority vote, than they will let staff through the Chair know, since the Chair sets the agenda. Finally the Executive Administrator stated that staff has reserved some sites and dates for the public outreach meetings next March. He wanted to make sure that venues and dates didn't fill up. These are all in the evenings and is subject to change: March 7 – Castle High School; March 14 – Mililani High School; March 21 – Kailua High School, and March 28 – Kaiser High School. But he's sure that the Commission would be discussing possible other venues later but at least these were set aside for right now. But other possible venues might include the North Shore, Ewa or the Waianae Coast.

Commissioner Tom proposed that staff include something on the west end, Kapolei to Waianae. That is a very large population, maybe Kapolei City Hall.

Executive Administrator Narikiyo replied that staff would try for Kapolei Hale.

V. Agenda Item 6. Officers Report

- A. Chair – Chair reminded the Commissioners as they proceed that they will have to follow Robert's Rules of order and wait for the Chair or Vice Chair to recognize the speaker before they speak.
- B. Vice Chair – Commissioner Mikulina not present. No report.
- C. Treasurer – No report.
- D. Secretary – Commissioner Pacopac not present. No report.

VI. Announcements

None.

VII. Next Meeting Schedule

The next meeting was set for Tuesday, December 13, 2005 at 4:00 p.m. in the Council Committee Room on the Second Floor of Honolulu Hale.

VIII. Adjournment

Meeting was adjourned at 5:30 p.m.

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